

REMARKS

A Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office was mailed to the undersigned on 23 April 2007. The Notification indicated that an Oath or Declaration signed by the inventors need to be provided.

Applicants respectfully disagree. Applicants did submit a fully signed Declaration as part of the PCT Request. A copy Applicants' postcard is enclosed herewith evidencing that the Declaration was indeed filed with the PCT Request at the same time as the Application. As can be seen on the postcard, six sheets of PCT Request, including the Declaration, was included.

Enclosed herein is a copy of the six sheets of PCT Request, as filed by the Applicants. As can be seen, Sheet 5, is a countersigned sheet. Thus, there are two Sheet 5's, as countersigned pages are numbered the same. It appears that the Sheet 5 containing the signatures of the inventors Jeffery W. Epp and Kynn J. Schulte was not scanned into the PCT file wrapper. Applicants do not know why this was not done, but Applicants respectfully submit that the copies provided herewith prove that Applicants did timely file a fully executed Declaration with the PCT Request.

Thus, Applicants submit that no fees are due for a late filing of a Declaration, as the Applicants filed the Declaration in a timely manner.

Further, Applicants respectfully request that the Notice of Acceptance Under 35 U.S.C. § 371 (Form PCT/DO/EO/903) mailed to Applicants on 26 October 2006, which was vacated 1 December 2006 due to the alleged Missing Requirements, be reinstated.

A copy of the Notification of Missing Requirements under 35 U.S.C. § 371 in the United States Designated/Elected Office that was mailed to the undersigned on 23 April 2007 is enclosed herein.


CONCLUSION

While no fees are believed to be necessary, the undersigned hereby authorizes the Director to charge any fees that may be required, or credit any overpayments, to **Deposit Account No. 502806**. If an extension of time is necessary for allowing the Amendment to be timely filed, this document is to be construed as also constituting a Petition for Extension of Time Under 37 C.F.R. § 1.136(a) to the extent necessary. Any fee required for such Petition for Extension of Time should be charged to **Deposit Account No. 502806**.

Please link this application to Customer No. 38441, so that the status of this application may be checked via the PAIR System.

Respectfully submitted,

4/26/07
Date



James E. Walton
Reg. No. 47,245
Law Offices of James E. Walton, P.L.L.C.
1169 N. Burleson Blvd., Suite 107-328
Burleson, Texas 76028
(817) 447-9955 (Voice)
(817) 447-9954 (Fax)
jim@waltonpllc.com (Email)

CUSTOMER NO. 38441

ATTORNEY FOR APPLICANTS